

Definitions Addendum

to the

**Basic Land Use Ordinance
Shoreland Zoning Ordinance
Subdivision Ordinance
Site Plan Ordinance**

Approved March 11, 2000

Amended March 10, 2001

Amended March 9, 2002

Amended March 8, 2003

Amended March 10, 2007

Amended March 14, 2009

DEFINITIONS ADDENDUM

Citizen's Note: *The Definitions Addendum provides a common set of definitions for the Basic Land Use Ordinance, the Shoreland Zoning Ordinance, the Site Plan Review Ordinance and the Subdivision Ordinance.*

All words not defined herein shall carry their customary and usual meanings. Words used in the present tense shall include the future. Words used in the singular shall include the plural and vice versa. The word "lot" shall include "parcel" and "plot." The words "shall" or "must" are used to indicate the mandatory and the word "may" is used to indicate the permissive. The words "occupied" or "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied."

Abutters – The owners of property listed on the Town's most recent assessing records who may be entitled to receive notice of applications before the Planning Board or the Board of Appeals.

Abutting Property - any lot which is physically contiguous with the parcel of land, even if only at a point and any lot which is located directly across a public or private way from the parcel of land such that the extension of the side lot lines of the parcel would touch or enclose the abutting property.

Accessory Residential Unit -

- i. A second dwelling unit contained within a single family detached dwelling or an accessory building on the same lot as a single family detached dwelling for use as a complete, independent living quarters, with provision for living, sleeping, bathing, and cooking.
- ii. The accessory residential unit shall not be greater than 750 square feet or 50% of the total square footage of the primary dwelling, whichever is more restrictive.
- iii. The accessory apartment shall be secondary, incidental and subordinate to the single family residential or commercial use.

Accessory structure or use - a use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

Active Building Permit - a building permit that has not expired or been revoked

Aggrieved party - an owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this ordinance; a person whose land abuts land for which a permit or variance is under consideration or has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Agriculture - the production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forage and sod crops; grains and seed crops; dairy animals and dairy

products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green house products. Agriculture does not include forest management and timber harvesting activities.

Applicant - the assessed owner or owners of land for which a permit, variance or appeal is sought or person with documented title, right, or interest in the land for which a permit, variance or appeal is sought.

Aquaculture - the growing or propagation of harvestable fresh water, estuarine, or marine plant or animal species.

Basal Area - the area of a cross section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

Basement – any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

Bed and Breakfast Home Occupations - bed and breakfast means any establishment where the general public can stay overnight for a fee in the home occupied by the owner and are provided with a breakfast meal but shall not serve other meals or have dining facilities open to the public. For the purpose of this ordinance, Bed and Breakfast establishments shall be considered as home occupations if they provide no more than four bedrooms for overnight guests. Such usage as a Bed and Breakfast is subject to adequate sewage disposal as certified by the plumbing inspector.

Boat Launching Facility - a facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

Boat Repair and Construction Facility - a facility whose primary or sole use is the construction or repair of commercial and/or pleasure vessels and which may also supply 3 or less moorings as an accessory use.

Buffer, Buffer Area, Buffer Strip - land area used to visibly separate and screen one (1) use from another or to shield or block noise, light, or other nuisances, and thus, minimize the effects to adjacent properties or sensitive natural resources. A buffer may include one or a combination of the following: plantings of sufficient mass to effectively block the view or that shall block the view after thirty-six (36) months, walls, fences, or natural growth.

Bureau – State of Maine Department of Conservation's Bureau of Forestry.

Campground - any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

Campsite – Any plot of ground within a campground intended for use by a tent, trailer, recreation vehicle or similar shelter under the control of an individual camper.

Community Dock -A single wharf, pier, dock and/or float located on a lot in a subdivision approved by the Planning Board and having a common right of use by the association of homeowners having common rights of interest in the lot and which is used by the property owners for loading and unloading of passengers and/or cargo and the tying of dinghies.

Canopy – the more or less continuous cover formed by tree crowns in a wooded area.

Change from one category of non-residential use to another category of non-residential use – a change in the type of occupancy of a non-residential structure, or a portion thereof, such that the basic type of use is changed, such as from retail to office or storage to a restaurant, but not including a change in the occupants.

Commercial use - the use of lands, buildings, or structures, other than a "home occupation", defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units, and may also include the processing of marine life and the sale thereof in any form.

Comprehensive Plan - the “2005 Update of the Harpswell Comprehensive Plan” adopted March 2005, and any amendments to the plan that have been subsequently adopted by the voters of the Town. Map No. 5 of the 1987 Comprehensive Plan is also included.

Contiguous Property; Contiguous Lots - lots that adjoin at any line or point.

Cross-sectional area – the cross-sectional area of a stream or tributary stream channel is determined by multiplying the stream or tributary stream channel width by the average stream or tributary stream channel depth. The stream or tributary stream channel width is the straight line distance from the maximum high-water line on one side of the channel to the maximum high-water line on the opposite side of the channel. The average stream or tributary stream channel depth is the average of the vertical distances from a straight line between the maximum high-water lines of the stream or tributary stream channel to the bottom of the channel.

Curb Cut - any new vehicular entrance (driveway) on to an established road.

Development - a change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

Dimensional Requirements - numerical standards relating to spatial relationships including but not limited to setback, lot area, road frontage, shore frontage and height.

Disruption of shoreline integrity - the alteration of the physical shape, properties, or condition of a shoreline at any location by timber harvesting and related activities. A shoreline where shoreline integrity has been disrupted is recognized by compacted, scarified and/or rutted soil, an abnormal channel or shoreline cross-section, and in the case of flowing waters, a profile and character altered from natural conditions.

Drinking Water Standards - The standards for primary and secondary drinking water as set forth in Title 22, Maine Revised Statutes Annotated, Chapter 601, Subchapter 11 and as further defined in the State of Maine Rules Relating to Drinking Water, Chapter 7.

Driveway - A private vehicular access way connecting a house, garage or other structure on a single lot to a road.

Dwelling - a building or portion thereof or a room or suite of rooms designed and equipped for habitation and that provides independent living facilities, including cooking, sleeping, bathing and sanitary facilities, for one (1) or more families, including single family, two (2) family, multifamily, and manufactured housing but not recreational vehicles.

Dwelling Unit - a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes, and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not dwelling units.

Emergency Operations - operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

Essential services - the construction, alteration or maintenance of gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cable or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

Expansion of a Structure - an increase in the floor area or volume of a structure, including all extensions such as, but not limited to, attached decks, garages, porches and greenhouses.

Expansion of Use - the addition of weeks or months to a use's operating season; additional hours or operation; or the use of more floor area or ground area devoted to a particular use.

Family - one or more persons occupying a premises and living as a single housekeeping unit.

Fisheries, Significant Fisheries – areas identified by a government agency such as the Maine Department of Inland Fisheries and Wildlife or Maine Department of Marine Resources as having significant value as fisheries and any areas so identified in the Town's comprehensive plan.

Floodway – the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

Floor Area - the sum of the horizontal areas of the floor(s) or a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

Forest Management Activities - timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

Forest Stand - a contiguous group of trees sufficiently uniform in age class distribution, composition, and structure, and growing on a site of sufficiently uniform quality, to be a distinguishable unit.

Foundation - the supporting substructure of a building or other structure including but not limited to basements, slabs, sills, posts, frost walls or other base consisting of concrete, block, brick or similar material.

Frontage -

Road Frontage - the linear distance between the sidelines of a lot, measured along the lot line that borders upon whatever road serves as legal access to the lot. For the purposes of these ordinances, the following ways may be used to measure road frontage provided that they are no less than thirty-three (33) feet in width throughout their length:

A deeded private right of way.

An existing town way, public easement or State or State Aid Highway, provided access is not specifically prohibited.

An existing deeded right of way, whether dedicated to public use or not, on a road shown on an approved subdivision plan.

An existing private road for which no deed can be located but where the applicant can establish at least twenty (20) years of uncontested usage, and can establish the physical characteristics of the road, including but not limited to, its width.

A public or private right of way that provides passage to pedestrians and vehicles and which is the legal access to a lot.

Shore Frontage - the length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

Functionally Water-Dependent Uses - those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal and inland waters and which cannot be located away from these waters. The uses may include, but are not limited to commercial and recreational fishing and boating facilities, fin fish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site, and uses which primarily provide general public access to marine or tidal waters.

***Citizen's Note:** Boathouses and boat building may not qualify as functionally water-dependent uses.*

Great Pond - any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres.

Ground Cover – small plants, fallen leaves, needles, and twigs, and the partially decayed organic matter on the forest floor.

Ground Water - all waters found beneath the surface of the earth.

Harvest Area - the area where timber harvesting and related activities, including the cutting of trees, skidding, yarding, and associated road construction take place. The area affected by a harvest encompasses the area within the outer boundaries of these activities, excepting unharvested areas greater than 10 acres within the area affected by a harvest.

Hazardous Waste - any material(s) included within the definition of hazardous waste contained in Chapter 850 of the Maine Department of Environmental Protection Rules adopted pursuant to 38 MRSA Section 1319-O (1), as such rules may be amended from time to time.

Height - the vertical distance as measured from halfway between the mean original grade at the downhill side of the structure and the mean original grade at the uphill side of the structure to the highest point of the structure, excluding chimneys, steeples, antennas and similar appurtenances which have no floor area.

Historic or Archaeological Resources – areas identified by the Maine Historic Preservation Commission or the National Park Service as having significant value as an historic or archaeological resources and any such areas identified in the Town's Comprehensive Plan.

Home occupation - an occupation or profession carried out for gain by a resident or occupant and conducted as an accessory use in or about such resident's or occupant's dwelling or

accessory structure. All home occupations are subject to the provisions of Section 15.20 of the Shoreland Zoning Ordinance regardless of whether they are located within the Shoreland Zone.

Homeowners/Landowners Association - a community association that is organized in a development in which individual owners share common interests and responsibilities in protecting and/or maintaining facilities including but not limited to roads, community water or septic systems, open space, and recreation facilities. Homeowners/landowners associations include road associations.

Hydric soils - a soil that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part.

Impermeable Surface – the area covered by structures and associated constructed facilities, areas which have been or will be covered by a low-permeability material, such as asphalt or concrete, and areas such as gravel roads and unpaved parking areas, which have been or will be compacted through design or use to reduce their permeability. Common impermeable surfaces include roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled macadam, or other surfaces which similarly impede the natural infiltration of water.

Increase in nonconformity of a structure - any change in a structure or property that causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions that either meets the dimensional standard or that cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions that in-fill irregularly shaped structures.

Individual Private Campsite - an area of land that (1) is not associated with a campground, (2) is developed for repeated camping by only one group not to exceed ten (10) individuals and (3) involves site improvements that may include but not be limited to gravel pads, parking areas, fireplaces, or tent platforms. This does not include rudimentary campsites that are used on an occasional basis for camping by private individuals and which does not include clearing of vegetation.

Industrial - the assembling, fabrication, finishing, manufacturing, packaging, or processing of goods, or the extraction of minerals. This shall in no case include the processing of fish or marine life. Processing of such goods shall be considered an acceptable commercial fish use.

Institutional – a non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

Land Management Road - a route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.

Land Use Ordinances - the Town's ordinances governing land use including the Basic Land Use Ordinance, the Shoreland Zoning Ordinance, the Subdivision Ordinance, the Town Road Ordinance, the Sign Ordinance, the Site Plan Review Ordinance, the State Junkyard Ordinance, the Solid Waste Ordinance, the Floodplain Management Ordinance, and other ordinances that may be adopted by the Town from time to time.

Licensed Forester - a forester licensed under 32 M.R.S.A. Chapter 76, as may be amended from time to time.

Lot area – The area of land enclosed within the boundary lines of a lot, minus land below maximum high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

Marina - a business establishment that has frontage on navigable water and, that provides, as its principal use, for hire moorings or docking facilities for boats, and that may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, boat and tackle shops and marine fuel service facilities. A marina does not include facilities that provide boat repair or construction as their primary or sole use and that may provide three (3) or less moorings as an accessory use.

Citizen's Note: *See definition of boat repair facility.*

Market Value - the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with the prevailing general price levels.

Mineral Exploration - hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition. This includes soil analysis for subsurface waste disposal.

Mineral Extraction - any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and transports the product removed, away from the extraction site. This is in no way meant to construe excavation for permitted uses or structures.

Minimum Lot Width - the closest distance between the side lot lines of a lot.

Multi-Unit Residential - a residential structure containing three (3) or more dwelling units. The placement of three (3) or more units or the division of an existing structure into three (3) or more dwelling units requires subdivision review under state and local law.

Native – indigenous to the local forests.

Natural Areas and Natural Communities, Unique Natural Areas and Natural Communities – areas identified by a governmental agency such as the Maine Department of Conservation Natural Areas Program as having significant value as a natural area and any areas identified in the Town’s comprehensive plan.

Non-Conforming Condition - non-conforming lot, structure or use that is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

Non-Conforming Lot - a single lot(s) of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located, but which is allowed solely because it was in lawful existence and was recorded in the Cumberland County Registry of Deeds at the time that this Ordinance or subsequent amendments took effect.

Non-Conforming Structure - a structure which does not meet any one or more of the following dimensional requirements; setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-Conforming Use - use of buildings, structures, premises, land or parts thereof that is not allowed in the district in which it is situated, but that is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Maximum High Water Line - (non-tidal waters) - that line which is apparent from visible markings changes in the character of soils due to prolonged action of the water or changes in vegetation, and that distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond.

Nuisance - any violation of this ordinance.

Offshore Island - islands not connected to any other land by road and/or are accessible only by water or air at mean high tide.

Permanent Marker - a marker that, if left undisturbed, will remain in place for a period of at least twenty-five (25) years.

Person - an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having joint or common interest, or other legal entity.

Piers, docks, wharves, bridges and other structures and uses extending over or beyond the maximum high-water line or within a wetland.

Temporary - structures that remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

Permanent - structures that remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

Pond – any inland body of water that in a natural state has a surface area less than 10 acres, or a body of water artificially formed or increased with a surface area less than 30 acres excluding farm ponds, fire ponds, stormwater retention ponds, or landscape ponds and similar small man-made areas.

Principal Structure - a building other than one that is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

Principal Use - a use other than one that is wholly incidental or accessory to another use on the same premises.

Public Facility - any facility, including but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

Recent Flood Plain Soils - the following soil series as described and identified by the National Cooperative Soil Survey:

Alluvial	Cornish	Charles
Fryeburg	Hadley	Limerick
Lovewell	Medomak	Ondava
Podunk	Rumney	Saco
Suncook	Sunday	Winooski

Recreational Facility - a place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

Recreational Vehicle - a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel, tent trailer, camp trailer, and motor home. In order to be

considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

Replacement System - a system intended to replace: 1) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or 2) any existing overboard wastewater discharge.

Residual basal area - the average of the basal area of trees remaining on a harvested site.

Residual Stand - a stand of trees remaining in the forest following timber harvesting and related activities.

Re-Subdivision - the division of an existing subdivision previously approved by the Town or any change of lot size therein or the relocation of any road or lot in a subdivision previously approved by the Town.

Riprap - rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

River - a free-flowing body of water including its associated flood plain wetlands from that point at which it provides drainage for a watershed of twenty-five (25) square miles to its mouth.

Road - any one of the following vehicular access ways:

Arterial Road – A road that is functionally classified by the Maine Department of Transportation as an arterial, with controlled access, traffic signals at important intersections and/or stop signs on side roads.

Collector Road – A road that is functionally classified as a collector by the Maine Department of Transportation, and that collects traffic from local roads and connects with arterial roads.

Local Road – A public road or private road, other than arterial or collector roads.

Private Road – A road that is privately owned, built, and maintained, but not including a driveway.

***Citizen's Note:** The town may not, under Maine law, spend public funds to construct, repair, maintain or plow privately owned roads.*

Public Road – A public easement or town way.

Public Easement - An easement held by the municipality for purposes of public access to land or water not otherwise connected to a public way, and includes the rights enjoyed

by the public with respect to private ways created by statute prior to July 29, 1976, pursuant to 23 M.R.S.A. § 3012(2).

Town Way - An area of land designated and held by a municipality for passage and use of the general public by motor vehicle; all town or county ways not discontinued or abandoned before July 29, 1976; and all state or state aid highways, or both, which are classified town ways as of July 1, 1982, or thereafter, pursuant to 23 M.R.S.A. § 53.

Road Association - see homeowners/landowners association.

Salt Marsh - areas along coastal wetland (most often along coastal bays) that support salt tolerant species, and where at average high tide during the growing season, the soil is irregularly inundated by tidal waters. The predominant species is saltmarsh cordgrass (*Spartina alterniflora*). More open areas often support widgeon grass, eelgrass, and Sago pondweed.

Salt Meadow - areas which support salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is inundated by tidal water during maximum spring high tide as identified in tide tables by the National Ocean Service. Indigenous plant species include salt meadow cordgrass (*Spartina patens*) and black rush; common threesquare occurs in fresher areas.

Service Drop - any utility line extension which does not cross or run beneath any portion of a water body provided that:

- (1) in the case of electric service
 - a) the placement of wires and/or installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way: and
 - b) the total length of the extension is less than one thousand (1,000) feet.
- (2) in the case of telecommunication service
 - a) the extension, regardless of length, will be made by the installation of telecommunication wires and cables to existing utility poles, or
 - b) the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback –

Property, Side, Rear or Lot Line Setback - the minimum horizontal distance from a lot line or edge of the traveled way, whichever is more restrictive, to the nearest part of a structure.

Road Setback - the minimum horizontal distance from the edge of the traveled way to the nearest part of a structure.

Water Body, Shorefront or Wetland Setback - the nearest horizontal distance from the maximum high-water line of a water body, tributary stream, or upland edge of a wetland to the nearest part of a structure, road, parking space or other regulated object or area.

Shoreland Zone - the land area located within 250 feet, horizontal distance, of the maximum high water line of any great pond or salt water body; within 250 feet, horizontal distance, of the upland edge of a coastal wetland, or the upland edge of a freshwater wetland of ten (10) or more contiguous acres, or the upland edge of a freshwater wetland of less than ten (10) contiguous acres and adjacent to a surface water body, excluding any tributary stream, such that in a natural state, the combined surface area is in excess of ten (10) acres; and within 75 feet horizontal distance of the maximum high water line of a stream.

Skid Road or Skid Trail - a route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

Slash - the residue, e.g., treetops and branches, left on the ground after a timber harvest.

Special Waste - any material(s) included within the definition of special waste contained in Chapter 400, Section 1, subsection (Nnn) of the Maine Department of Environmental Protection Rules, adopted pursuant to 38 MRSA Sections 341-D, 1304, 1310-N(9) and 1301 et Seq., as such rules may be amended from time to time.

Stream - a free-flowing body of water from the outlet of great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15 minute series topographic map to the point where the body of water becomes a river.

Structure - anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences and poles, wiring, and other equipment normally associated with service drops as well as guying and guy anchors. The term includes, but is not limited to, structures temporarily or permanently located, such as decks, satellite dishes, and portable prefab structures. Other examples of structure include terraces, patios and other construction involving impermeable and/or non-vegetated surfaces.

Structure Footprint – the area covered by a structure measured from the exterior surface of the exterior walls at grade level plus the area covered by any portion of the structure not enclosed by walls, except for eaves which do not extend more than two feet from the exterior walls. Where the structure is elevated above grade level on posts or similar devices, the structure footprint is the area the structure would cover if it were located at ground level.

Subdivision - the division of a tract or parcel of land into three (3) or more lots within any five (5) year period in accordance with 30-A M.R.S.A. §4401[4] and as that Subsection may be amended from time to time.

Major subdivision - is the division of a tract or parcel of land into five (5) or more lots within any five (5) year period or any subdivision that triggers State Site Location of Development review.

Minor subdivision is the division of a tract or parcel of land into four (4) or fewer lots within any five (5) year period and which does not trigger State Site Location of Development review.

Substantial/Substantial Start of/Construction - substantial construction of an individual structure means completion of the foundation and capping over for water tightness. Where there will be no foundation or no structure is proposed, substantial start means completion of at least 30% of the value of the work for which a building or other permit has been secured. In the case of a subdivision, substantial start means the completion of no less than thirty (30) percent of the costs of proposed improvements within a subdivision. If the subdivision is to consist of individual lots to be sold or leased, the cost of construction of buildings on those lots shall not be included. When the construction involves use of a slab as the foundation, the slab must be completed within one year of the date on which the permit or approval was granted and a permanent roof completed within two years of the date on which the permit or approval was granted.

Subsurface Sewage Disposal System – any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. § 414, as may be amended from time to time, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

Sustained Slope - a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Tidal waters – all waters affected by tidal action during the maximum spring tide.

Timber Harvesting - the cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 15 (P), *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting*.

Timber harvesting and related activities - timber harvesting, the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting.

Tributary Stream - means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. "Tributary stream" does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

Upland Edge of a Wetland - the boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the maximum spring tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller.

Vegetation - all live trees, shrubs and ground cover.

Volume of a Structure - the volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Water body - any river, stream, great pond, tidal or open salt water area.

Water Crossing - any project extending from one bank to the opposite bank of a river, stream, or tributary stream or wetland, whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintained work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

Wastewater - water carrying wastes from homes, businesses, and industries that is a mixture of water and other liquids and dissolved or suspended solids, or excess irrigation water that is runoff to adjacent land. Wastewater includes septage as well as "gray water."

Wetland –

Coastal Wetland - all tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; any salt swamp, marsh, bog, beach, flat, meadow or other contiguous low land that is subject to tidal action during highest tide level as identified in tide tables published by the National Ocean Service.

Forested Wetland - a fresh water wetland dominated by woody vegetation that is six (6) meters (approximately twenty (20) feet) or taller.

Fresh Water Wetlands - freshwater swamps, marshes, bogs and similar areas, other than forested wetlands which are:

Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

The following three (3) criteria shall be met for classification as a freshwater wetland:

- (1) a predominance of hydric soils,
- (2) a prevalence of hydrophytic vegetation typically adapted for life in saturated soils, and
- (3) anaerobic conditions in the soil usually created by inundation or saturation by surface or groundwater for at least one (1) week of the growing season.

The absence of any one (1) of these three (3) criteria shall preclude classification as freshwater wetland.

Moderate or high value wetlands means wetlands that are defined as moderate or high value for wildlife as defined by the Maine Department of Inland Fisheries and Wildlife or as determined by the Town.

***Citizen's Note:** This Ordinance defines fresh water wetlands in conformance with the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, an Interagency Cooperative Publication of the Fish and Wildlife Service, Environmental Protection Agency, Department of the Army, and Soil Conservation Service, to which all applicants are referred for additional information.*

Wildlife Habitat, Significant Wildlife Habitat – areas identified by a government agency such as the Maine Department of Inland Fisheries and Wildlife as having significant value as habitat for animals and any areas identified in the Town's comprehensive plan.

Windfirm - the ability of a forest stand to withstand strong winds and resist wind throw, wind rocking, and major breakage.

Woody Vegetation - live trees or woody, non-herbaceous shrubs.

Yard Sale - is the sale of goods from a residential premises, whether advertised in local media, by signs, or otherwise, as a yard sale, barn sale, garage sale, household sale, moving sale, or other sale, whether accomplished by direct sale or auction; or the sale, at the seller's place of residence, of all or part of the household goods, whether accomplished by direct sale or auction; or sales conducted by civic groups, school groups, church groups, charitable or fraternal organizations and other non-profit organizations if such sale is held on the organization's premises.